

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Richard Manning,

Plaintiff/Appellee,

v.

Alvin A. Jaeger,

Defendant/Appellee,

and

Continental Resources, Inc.

Interested Party/Appellant.

Supreme Ct. No. 20200332

District Ct. No. 08-2020-CV-01343

ORAL ARGUMENT  
NOT REQUESTED

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APPEAL FROM AN ORDER DENYING MOTION TO INTERVENE  
DATED OCTOBER 8, 2020  
BURLEIGH COUNTY, NORTH DAKOTA  
SOUTH CENTRAL JUDICIAL DISTRICT  
HONORABLE PAMELA NESVIG

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RESPONSE BRIEF OF DEFENDANT/APPELLEE  
ALVIN A. JAEGER

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**TABLE OF AUTHORITIES**

<b><u>Statutes</u></b>	<b><u>Paragraph(s)</u></b>
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## **STATEMENT OF THE CASE AND BACKGROUND**

[¶1] On May 22, 2015, the North Dakota Secretary of State, Alvin Jaeger the (“Secretary”), revoked the certificate of authority of P&P Industries, LLC I, (“P&P”), a foreign limited liability company, to transact business in North Dakota. Index # 3. The Secretary may revoke a North Dakota foreign limited liability company’s certificate of authority to transact business in North Dakota as a consequence of failing to file annual report forms. N.D.C.C. § 10-32.1-90.

[¶2] On March 20, 2020, Richard Manning (“Manning”) filed a Petition for Reinstatement (the “Petition”) under N.D.C.C. § 10-32.1-91, seeking to obtain the reinstatement of P&P, as a North Dakota foreign limited liability company. Appellant’s App. at A-8 through A-10. Under N.D.C.C. § 10-32.1-91(1)(b)(1), a foreign limited liability company may appeal to district court in Burleigh County for reinstatement after the Secretary has revoked a certificate of authority to transact business in the state. The Secretary admitted service of the Petition, waived the right to any further notice, and consented to the immediate reinstatement of P&P. Index # 4. The district court issued an Order Granting Petition for Reinstatement on April 16, 2020. Appellant’s App. at A-16 through A-17. No party has appealed the District Court’s Order for Reinstatement. See N.D.C.C. § 10-32.1-91(1)(e) (“Appeals from all final orders and judgments by the district court under this subsection may be taken as in other civil actions.”).

[¶3] On May 1, 2020, Continental Resources, Inc. (“Continental”), filed a Motion to Intervene and to Vacate the Order for Reinstatement. Index ## 7-13. On July 30, 2020, the Secretary filed a Notice informing the district court that the Secretary takes no position on the Petition for Reinstatement or Motion to Intervene. Index # 55. The Secretary’s Notice was not intended to revoke or alter the Secretary’s previous Consent to Reinstatement.

[¶4] The district court subsequently issued an Order denying Continental’s Motion to Intervene on August 12, 2020. Index # 59. Continental filed an Amended Motion to Intervene on August 14, 2020.<sup>1</sup> Appellant’s App. at A-18 through A-69. The district court also denied Continental’s Amended Motion to Intervene. Appellant’s App. at A-122 through A-125.

### **ARGUMENT**

[¶5] The Secretary has consented to Manning’s Petition, and consistent with the Secretary’s Notice filed with the District Court, Index # 55, takes no further position regarding Continental’s Motion to Intervene.

### **REQUEST FOR ORAL ARGUMENT**

[¶6] The Secretary does not request oral argument.

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<sup>1</sup> Continental no longer sought to vacate the district court’s Order Granting Petition for Reinstatement.

Dated this 4<sup>th</sup> day of March, 2021.

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**CERTIFICATE OF COMPLIANCE**

**Supreme Ct. No. 20200332**

**District Ct. No. 08-2020-CV-01343**

[¶1] The undersigned certifies pursuant to N.D. R. App. P. 32(a)(8)(A), that the Appellant's/Appellee's Brief contains 6 pages.

[¶2] This brief has been prepared in a proportionally spaced typeface using Microsoft Office 365 word processing software in Century 12 point font.

Dated this 4<sup>th</sup> day of March, 2021.

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**CERTIFICATE OF SERVICE**

**Supreme Ct. No. 20200332**

**District Ct. No. 08-2020-CV-01343**

---

[¶1] I hereby certify that on March 4, 2021 the following documents:  
**RESPONSE BRIEF OF DEFENDANT/APPELLEE ALVIN A. JAEGER and**  
**CERTIFICATE OF COMPLIANCE** were filed electronically with the Supreme  
Court through the E-Filing Portal and served on the following:

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**AMENDED  
CERTIFICATE OF SERVICE****Supreme Ct. No. 20200332****District Ct. No. 08-2020-CV-01343**

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